IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6051 OF 2004

The Rajkamal Co-operative Housing
Society Ltd. through it's Chairman .. Petitioner
V/s.
The State of Maharashtra and Anr. .. Respondents

Mr. R.S. Deshpande for the Petitioner
Mr. A.P. Vanarshe, AGP for the Respondent Nos. 1 and 2.
Mr. P.S. Dani, for the Respondent No. 3.

CORAM : F.I. REBELLO &
S.P. KUKDAY, JJ.
DATED : 17.03.2005.

P.C.:-

1. Rule. Heard forthwith. Certain lands were declared surplus under the provisions of Urban Land Ceiling Act. Petitioners applied for surplus land and were allotted land by the Collector. It appears that thereafter, Respondent No. 3 based on a GR issued by the State Government in the year 1999, which in turn was based on Central Government Resolution of the year 1997, moved the State Government by an Application of 8.8.2003. The State Government allowed the application and declared the land not be surplus.

2. In the meantime, the Petitioners had applied for allotment of surplus land sometime in August, 1998 and the allotment came to be made in the year August, 2001, i.e. after the Respondent No. 3 had applied for cancellation of the order declaring the land as surplus. Consequent to the Government declaring the land as not surplus, the allotment done in favour of the Petitioner

was cancelled. They were, however, informed by letter

of 29.4.2004 that the allotment is cancelled, however, as the Society had paid costs of the land, the Society could apply for alternative land. The learned counsel for the Petitioner is not in a position to make a statement whether the society has applied for the alternative land. We, however, find from the Affidavit of Kushabhau Shingare, Additional Collector dated 2.8.2004 that application was made on 24.6.2004 to allot alternative land and this will be considered by the Cabinet Sub-Committee under the Chairmanship of the Hon’ble Chief Minister.

3. Considering the above, the only directions that we can give is to direct the Sub-Committee presided over by the Hon’ble Chief Minister to decide the application of the Petitioner within a period of six months from today. Rule partly made absolute accordingly. There shall be no order as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)